

REMARKS

Claims 1-23 are pending in the present application.

The Examiner has required a restriction in the present application between the claims of Groups I-VI as outlined on page 2 of the Office Action. This requirement is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Applicants submit that while the Examiner has referenced PCT Rules 13.1 and 13.2, the Examiner has not properly applied the relevant unity of invention standard. Under PCT Rule 13.2, the application fulfills the unity of invention requirement when there is a “technical relationship among those inventions involving one or more of the same or corresponding special technical features.” As described in the present application, the present invention relates to an albumin purification method that provides a novel and inventive composition.

In addition, the Examiner will note that no unity of invention objection was raised during the international phase of this application, which also applies the unity of invention standard under PCT Rule 13. An international application which complies with those unity of invention requirements must then be accepted by all of the designated and elected offices, including the USPTO. Thus, the U.S. Application must be examined for unity of invention consistent with the Patent Cooperation Treaty, and this examination must be an actual application of the standard, not merely giving verbal assent to the rule. See *Caterpillar Tractor Co. v. Commissioner of Patents and Trademarks*, 231 USPQ 590 (E.D.VA, 1986).

For these reasons Applicants request that the restriction requirement be withdrawn in its entirety, and that all the claims be examined in this application.

However, in order to be fully responsive to the Office Action, Applicants elect, with traverse, should the Examiner persist in the requirement, to prosecute the claims of Group II, namely claims 15-18.

Favorable action and early allowance of all the claims are requested.

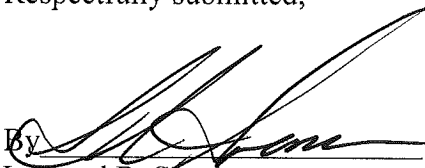
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson, Registration No 30,330 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☒ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 28, 2008

Respectfully submitted,

By 

Leonard R. Svensson  
Registration No.: 30,330  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
12770 High Bluff Drive  
Suite 260  
San Diego, California 92130  
(858) 792-8855  
Attorney for Applicant